

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

FALL LINE PATENTS, LLC,

Plaintiff,

vs.

AMERICAN AIRLINES GROUP, INC. and
AMERICAN AIRLINES, INC., et al.,

Defendants.

§ Case No.: 6:17-CV-00202
§ **(Consolidated Lead Case)**

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§ **JURY TRIAL DEMANDED**
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**UBER TECHNOLOGIES, INC.'S
NOTICE OF SUPPLEMENTAL AUTHORITIES**

Defendant Uber Technologies, Inc. respectfully submits the following three recent decisions pertinent to its pending motion to dismiss for patent ineligibility under 35 U.S.C. § 101.

1. *Voter Verified, Inc. v. Election Systems & Software LLC*, No. 2017-1930, 2018 WL 1882917 (Fed. Cir. Apr. 20, 2018).

Attached as Exhibit A is the Federal Circuit's opinion in *Voter Verified, Inc. v. Election Systems. & Software LLC*, No. 2017-1930, 2018 WL 1882917 (Fed. Cir. Apr. 20, 2018), affirming the Rule 12(b)(6) invalidation of a patent for "auto-verification" of a voter's ballot. At *Alice* step one, the Federal Circuit found that the claims were drawn to the abstract concept of "voting, verifying the vote, and submitting the vote for tabulation." *Id.* at *7. And at *Alice* step two, the Court found that the claims lacked an inventive concept because they recited "the use of general purpose computers that carry out the abstract idea." *Id.*

2. *Maxon, LLC v. Funai Corp., Inc.*, No. 2017-2139, 2018 WL 1719101 (Fed. Cir. Apr. 9, 2018).

Attached as Exhibit B is the Federal Circuit’s opinion in *Maxon, LLC v. Funai Corp., Inc.*, No. 2017-2139, 2018 WL 1719101 (Fed Cir. Apr. 9, 2018) (non-precedential), affirming the Rule 12(b)(6) invalidation of patents to electronic mechanisms for increasing a subscribing user’s control of entertainment content on a motion to dismiss.

At *Alice* step one, it was undisputed that the patents were directed to the abstract idea of “decentralized delivery controlled by the owner of a plurality of devices.” *Id.* at *2. At *Alice* step two (which was disputed), the Federal Circuit held that the district court correctly found that the claims lacked an inventive concept because they “recite only generic computing processes using functional language,” endorsing the district court’s ruling that the claims “‘describe[] only the desired result – increased user control over services available to him or her – without describing any *inventive* way that result is achieved.’” *Id.*

3. *Silver State Intellectual Technologies v. Facebook, Inc.*, No. C17-03349 JWS, 2018 WL 1729444 (N.D. Cal. Mar. 23, 2018).

Attached as Exhibit C is the U.S. District for the Northern District of California’s opinion in *Silver State Intellectual Technologies v. Facebook, Inc.*, No. C17-03349 JWS, 2018 WL 1729444, at * 1 (N.D. Cal. Mar. 23, 2018), granting defendant’s Rule 12(c) motion and invalidating U.S. Patents Nos. 7,343,165 and 8,892,117, related to “improv[ing] the sharing of location-based information for people with personal communication devices.”

At *Alice* step one, the court found that “the asserted claims are directed to the abstract idea of storing and selectively sharing location-based information.” *Id.* at *4. At *Alice* step two, the court found that the patents lacked any inventive concept because they “do not provide how the claimed methods and systems will specifically execute or apply the fundamentally abstract idea of storing and selectively sharing location-based information.” *Id.*

Dated: May 2, 2018

Respectfully submitted,

/s/ Christine M. Morgan

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CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Christine M. Morgan
Christine M. Morgan